

Remarks

Claims 16 and 18 are cancelled and claims 13 and 14 are amended. Claims 9 to 11, 13 to 15 and 17 are pending in this application of which claims 13 and 14 are in independent form.

Claims 9 to 11 and 13 to 18 were rejected under 35 USC 103(a) as being unpatentable over Bota in view of Butsuen et al. The following will show that independent claims 13 and 14, as amended, patentably distinguish the invention over this combination of references.

Applicants believe it will be helpful to first comment on their invention.

What is essential in the applicants' invention is that, with the aid of the adaptive road speed controller, the vehicle is braked down to standstill when the vehicle drives up to a standing obstacle. If the vehicle is at standstill, then it can be held at standstill in this operating state. If the obstacle removes itself, for example, in the case when driving in traffic, then no automatic start-drive of the vehicle takes place; instead, the driver must again activate the adaptive road speed controller by actuating an operator-controlled element. The adaptive road speed controller then undertakes travel to the obstacle moving ahead in dependence upon distance and desired or set quantity.

Butsuen et al shows an adaptive road speed controller wherein the brake system of the vehicle is controlled in dependence upon the distance, for example, to the vehicle driving

ahead. According to FIG. 5 of this reference, an automatic braking takes place when the distance reduces below a limit value and with this braking being disabled when this limit value is exceeded.

In contrast to Butsuen et al, in the applicants' invention, after braking to standstill with standstill safeguard measures, an activity of the driver is necessary with which the driver again switches in the adaptive road speed controller and disables the standstill safeguard.

There is no suggestion whatsoever of the foregoing in either Butsuen et al or Bota. The start-drive command, which is mentioned in Bota, leads perhaps to a disablement of the standstill safeguard but not to an activation of the function of the adaptive road speed controller. Butsuen et al provides for no braking at standstill.

Claim 13 is amended to include the additional feature and limitation of:

"actuating an operator-controlled element to activate said adaptive road speed controller;"

Applicants respectfully submit that the combination of Bota and Butsuen et al cannot lead our person of ordinary skill to this additional method step in the sequence of method steps as set forth in claim 13. In the case of a vehicle braked to standstill with an adaptive road speed controller and a standstill safeguard, there is no suggestion in these references which could lead our artisan to hit upon the idea to disable the standstill safeguard and to activate the controller function with an actuation of an operator-controlled element by the driver

which again establishes the function of the adaptive road speed controller. Rather, the combination of Bota and Butsuen et al leads to a combination which steers our artisan away from the subject matter of the invention because Bota teaches that, after disabling the standstill safeguard, no controller activity takes place and Butsuen et al offers no suggestion as to the possibility of activating the controller out of standstill.

In view of the foregoing, applicants submit that claim 13 should now patentably distinguish the invention over Bota and Butsuen et al and be allowable. Claim 14 parallels claim 13 in an apparatus context and has been similarly amended so that this claim too should be allowable. The remaining claims 9 to 11, 15 and 17 are all dependent from one of the two independent claims so that these claims should now likewise be allowable.

Reconsideration of this application is respectfully requested.

Respectfully submitted,



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